

PATENT  
CASE AL01583K1IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---

In re Application of:  
Robert G. Aslanian et alFor Patent For:  
Indole Derivatives Useful as  
Histamine H<sub>3</sub> Antagonists

Serial No.: 10/600,674

Filing Date: June 20, 2003

X

:

:

:

:

:

Examiner: Celia C. Chang

Art Unit: 1625

X

Schering-Plough Corporation  
Kenilworth, New Jersey 07033-0530Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450DECLARATION OF ROBERT G. ASLANIAN UNDER 37 C.F.R. 1.132

Sir:

I, Robert G. Aslanian, a co-inventor in the above-identified US patent application, declare that histamine H<sub>3</sub> receptor binding activity (K<sub>i</sub> values) have been obtained for compounds within the scope of claim 1 of the present invention. The binding assay used for the K<sub>i</sub> determination is described in the specification on pages 47-48. Results of the binding assay are shown in the attached Table 1.

For several compounds of the invention, results were obtained in a functional assay to determine histamine H<sub>3</sub> receptor antagonism. The assay, the Guinea Pig Ileum Assay, is well known in the art and disclosed, for example, in US 5,217,986. Results of the assay, shown in Table 2, demonstrate that the compounds are histamine H<sub>3</sub> receptor antagonists.

I believe that those skilled in the art will recognize that the results of the assays clearly demonstrate that compounds of the present invention bind to and are are antagonists of the histamine H<sub>3</sub> receptor, and as such, are expected to be useful in treating diseases mediated by the histamine H<sub>3</sub> receptor.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the

**BEST AVAILABLE COPY**

-2-

knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1/14/05  
Date

Robert G. Aslanian  
Robert G. Aslanian

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**